

FOR PUBLICATION

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS & JOHN

FLAGSTAR BANK, FSB,)	
)	
)	
Plaintiff,)	
)	Civil No. 2007-26
v.)	
)	
CHERYL A. DEDUCCA, a/k/a CHERYL)	
DEDUCCA, PHILLIP DEDUCCA, and)	
SHERRY A. RATH,)	
)	
Defendants.)	
_____)	

ATTORNEYS:

A. Jennings Stone, Esq.
St. Thomas, U.S.V.I.
For the plaintiff,

Norman P. Jones, Esq.
St. Thomas, U.S.V.I.
For defendant Sherry A. Rath,

Cheryl A. Deducca a/k/a Cheryl Deducca
50 Cherry Lane, Tiverton, RI 02878
Pro se defendant,

Phillip DeDucca
50 Cherry Lane, Tiverton, RI 02878
Pro se defendant.

JUDGMENT

GÓMEZ, C.J.

Before the Court is the motion of the plaintiff, Flagstar Bank, FSB ("Flagstar") for summary judgment against defendant Sherry A. Rath ("Rath"). Rath has not filed an opposition to the

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summary judgment motion. The Court has reviewed the motion and supporting materials, and finds:

1. Cheryl A. Deducca a/k/a Cheryl Deducca and Phillip Deducca own real property described as Parcel No. 10-9-6 Estate Carolina, No. 1 Coral Bay Quarter on St. John, United States Virgin Islands, as shown on P.W.D. D9-2310-T83 (the "Property").

2. On May 25, 2006, Cheryl Deducca executed a promissory note (the "Note"), in which she promised to pay Flagstar the principal amount of \$600,000, plus interest as provided in the Note.

3. As security for the repayment of the Note, the Deduccas gave Flagstar a mortgage (the "Flagstar Mortgage") covering the Property. The Flagstar Mortgage was executed and recorded with the Recorder of Deeds for the District of St. Thomas and St. John, United States Virgin islands (the "Recorder"), on May 25, 2006, as Document No. 2006005091.

4. Cheryl Deducca is in default under the terms and conditions of the Note and Flagstar Mortgage for failing to make timely payments of principal and interest. Flagstar made demand upon Cheryl Deducca for payment of the overdue amounts. Cheryl Deducca failed to cure the default and Flagstar accelerated the loan, declaring all sums due and payable.

5. As of October 5, 2007, Cheryl Deducca owes Flagstar

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principal in the amount of \$599,171.45, plus interest from August 1, 2006, through December 31, 2006, in the amount of \$19,606.34, plus interest from January 1, 2007, through October 5, 2007, in the amount of \$35,937.06, plus late charges in the amount of \$870.08.

6. Rath is the record holder of a mortgage covering the Property (the "Rath Mortgage"). In her answer to Flagstar's complaint in this matter, Rath admitted that her mortgage is a "second priority mortgage." See (Compl. 1, ¶ 4, Feb. 1, 2007.); (Rath Answer 1, ¶ 4, March 30, 2007.)

NOW, THEREFORE, IT IS HEREBY ORDERED that Flagstar's motion for summary judgment against Rath is **GRANTED**; it is further

ORDERED that the Flagstar Mortgage is a first priority lien against the Property and the Rath Mortgage is a second priority lien against the Property; it is further

ORDERED that the Rath Mortgage and any other liens or encumbrances on the Property subsequent to the Flagstar Mortgage are **FORECLOSED**; and it is further

ORDERED that the Court will retain jurisdiction to enforce the terms of this Judgment.

S_____
CURTIS V. GÓMEZ
Chief Judge